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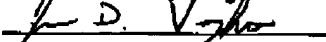
AUG 15 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of ) Mail Stop PETITIONS  
IRGANG et al. )  
Serial No. 08/892,561 ) Group Art Unit: 1754  
Filed: July 14, 1997 )  
Examiner: Dunn  
For: CATALYSTS OR CARRIERS WHICH CONSIST ESSENTIALLY OF MONOCLINIC  
ZIRCOMIUM DIOXIDE

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 571-273-8300, on August 15, 2005.

Typed or printed name of person signing this certificate: Jason D. Voight

Signature: 

Honorable Commissioner for Patents  
Alexandria, VA 22313-1450

**RENEWED PETITION UNDER 37 CFR 1.137(b)**

The Decision on Petition dated July 7, 2005 states that “[a] grantable petition...under 37 CFR 1.137(b) must be accompanied by...(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional” and that “[t]he instant petition does not satisfy requirement (3).” However, the original petition clearly states that “[t]he entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.” Applicants now reiterate that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

In the Decision on Petition, the Office also requires additional information. As noted in the original petition, the attorney, John H. Shurtleff, responsible for the case at the time of the

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abandonment, passed away prior to filing a response to an Office action dated December 9, 1997. Applicants had sent him instructions in a letter of December 16, 1997 (copy enclosed) to continue prosecution. Applicants further sent a new Declaration and Assignment on January 6, 1998 (copy of cover page enclosed) needed for continuing prosecution. The exact date of Mr. Shurtleff's death is unknown, but it is now clear that he died before he could file a response in accordance with applicants' instructions, thus leading to abandonment of the application. After applicants sent the letters of December 16, 1997 and January 6, 1998, their docketing system showed the case as pending and did not show any further necessary action on the case. Rather, applicants relied on Mr. Shurtleff to file a response as instructed and to inform them of any developments in the case. While Mr. Shurtleff's docketing system presumably still did show an action due on the case as of January 6, 1998, Mr. Shurtleff's death left no one to check this docketing system and no one to forward the Notice of Abandonment to applicants or otherwise inform applicants regarding the status of the case.

Applicants first learned of Mr. Shurtleff's death in approximately early March of 2004 (the exact date was not recorded) from a colleague who had heard of Mr. Shurtleff's death. In a letter of March 23, 2004 (copy enclosed), applicants requested the undersigned's firm to take over the representation of the case and report on the status thereof. The undersigned's firm was initially unable to find any information regarding the status of the case and requested a Power of Attorney (see enclosed letter dated May 14, 2004). Upon receiving the Power of Attorney and conducting further investigation, on August 2, 2004, the undersigned first discovered the abandoned status of the application and informed the applicants thereof. Applicants shortly thereafter instructed the undersigned to petition to revive the application. Further

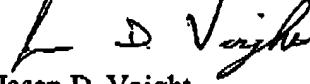
IRGANG et al., Ser. No. 08/892,561

communications between the undersigned and the applicants were needed to determine an appropriate response to the outstanding Office action, in particular because said Office action was "final". After reconstructing the file and preparing such a response, applicants filed the present petition on November 8, 2004.

"The Office is almost always satisfied as to whether 'the entire delay...was unintentional' on the basis of statement(s) by the applicant or representative explaining the cause of the delay (accompanied at most by copies of correspondence relevant to the period of delay)." MPEP 711.03(c)II.C. Accordingly, in view of the above explanation and enclosed copies of correspondence, applicants urge that the present petition should be granted.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 14.1437. Please credit any excess fees to such account.

Respectfully submitted,  
NOVAK DRUCE DeLUCA & QUIGG LLP

  
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BASF Aktiengesellschaft

From Robert Dohr

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BASF

Datum:

6.1.98

Ihr Zeichen:

Kurzmitteilung

BASF Aktiengesellschaft, D-6700 Ludwigshafen

O. 2. 0050/45497  
Ser.-no. 08/571,091

Dear Sirs,

Enclosed please find  
the new undersigned  
declaration.

Very truly yours

Sitz der Gesellschaft: D-6700 Ludwigshafen

Skuriola

- Belegfeste Unterlagen erhalten Sie mit der Eliza und
- Kennzeichnungsprüfung
  - Stellungnahme
  - Rückfrage
  - Erledigung und Bericht
  - Entscheidung/Unterschrift
  - 
  - Weitergabe an

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BASF Aktiengesellschaft D-67056 Ludwigshafen :

*Roswitha Schoner*  
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U.S.A.

March 23, 2004 /rs  
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**US Ser. No. 08/571,091 (IRGANG et al.) - Our Ref. PF 0000045497 rs**  
**US Ser. No. 08/673,288 (DINGERDISSEN et al.) - Our Ref. PF 0000045964 rs**  
**US Ser. No. 08/779,376 (FETZER et al.) - Our Ref. PF 0000043415 rs**

Ladies and gentlemen,

We would ask you to take over the representation of the above-mentioned cases before the USPTO.

The patent applications had been looked after so far by the Law Offices John H. Shurtleff. After we had heared of Mr. Shurtleff's death we checked our files and have found that for all cases the last correspondence between BASF and Mr. Shurtleff dated back to the years 1998 or 1999 (Ser. No. 08/571,091: sending the Declaration/Power of Attorney on Jan. 06, 1998; Ser. No. 08/673,288: sending the European Search Report on April 07, 1999; Ser. No. 08/779,376: instruction to file a Terminal Disclaimer of April 23, 1998).

We have not received any information from Mr. Shurtleff's office or of the Office/Attorney that has been instructed to settle the cases up to now. Kindly check the status of these cases and let us have an update.

Please feel free to contact us if you have any questions.

Very truly yours

**BASF Aktiengesellschaft**  
 Patents, Trademarks and Licenses

*i. A. Schoner*

i. A. Schoner

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† MD BAR  
†† UT BAR  
\*\*\* VA BAR

May 14, 2004

BASF Aktiengesellschaft  
Patentabteilung GVX-C6  
67056 Ludwigshafen  
GERMANY

**FAILED**

RE: PF 0000045497 rs, US 08/571,091 (IRGANG et al.)  
PF 0000045964 rs, US 08/673,288 (DINGERDISSEN et al.)  
PF 0000043415 rs, US 08/571,091 (FETZER et al.)

Dear Mrs. Schoner:

Thank you for your letter of March 23, 2004 regarding the above-identified applications.

We have made a preliminary search of the USPTO electronic records, and have been unable to locate any information as to the status of these cases. To facilitate further inquiry and prosecution of the applications, please complete the filing date and title for each attached Power of Attorney, have them signed by two authorized representatives of BASF AG and return them for filing with the USPTO, which will formally turn representation over to our firm. We will then be able to proceed in accomplishing the indicated task.

Very truly yours,  
**KEIL & WEINKAUF**

  
David C. Liechty

Enclosures  
DCL/kas